



PLENARY MEETING

United States of America

PROPOSALS FOR THE WORK OF THE CONFERENCE

PROPOSALS RELATING TO PP-98 RESOLUTIONS

Resolution 88, Plenipotentiary Conference, (Minneapolis, 1998)

Proposal to add a new Section III to Article S9

Background information

In Resolution 88, the Plenipotentiary Conference, (Minneapolis, 1998), instructs WRC-2000 to consider whether any relevant amendments to the Radio Regulations with respect to satellite cost recovery procedures may be necessary. This matter has been discussed in several forums since consideration by the Plenipotentiary Conference. The ITU Council at its 1999 session was of the view, in Decision 482, that Resolution 88 (PP-98) implied that WRC-2000 may also consider any consequence of non-payment taking into account unforeseen circumstances and the principles contained in the Constitution and Convention relating to the sovereign right of Member States in gaining access to spectrum and orbit resources. The report to the Council of the Satellite Network Cost-Recovery Working Group mentioned that some considered that the consequences of non-payment should be that the delinquent network should not be taken into account.

As WRC-2000 will address this matter, regulatory changes are proposed to Article S9 to elaborate on a procedure addressing consequences of the non-payment of processing charges incurred under the satellite cost-recovery schedules.

In view of the importance to all administrations of processing a request for coordination, it is suggested that the procedure for addressing instances of non-payment of filing fees should be laid out clearly, in the same article of the Radio Regulations that establishes other requirements for filing for coordination and notification.

ARTICLE S9

Procedure for effecting coordination with or obtaining agreement of other administrations^{1, 2, 3, 4, 5}

ADD USA/12/146

Section III – Procedure for collection of charges for processing publications and requests for coordination of space systems

ADD USA/12/147

S9.66 When the Radiocommunication Bureau assesses charges for the processing of publications and coordination requests for space systems in accordance with Resolution **88 (PP-98)**, ITU Council Decision 482 and subsequent relevant decisions of the Council, the provisions of this section shall apply.

ADD USA/12/148

S9.67 Within 30 days after publication of the relevant space system Special Section in its International Frequency Information Circular, the Radiocommunication Bureau shall transmit an invoiced billing to the entity responsible for paying charges under No. **S9.66**, either the notifying administration or operating entity as may be elected by the administration. The notifying administration shall be kept informed, in the latter case, at all stages of billing and payment. Upon transmitting the invoiced billing, the Radiocommunication Bureau will publish on an unrestricted basis on its website the satellite network name, entity invoiced, ITU Special Section number, billed amount, and the date the amount is due.

ADD USA/12/149

S9.68 The notifying administration or operating entity shall remit its payment to the Radiocommunication Bureau no later than six months from the date of the transmitted invoice of No. **S9.67**. This six-month payment period shall not be extended for any reason. Upon receipt of payment, the Radiocommunication Bureau will immediately transmit a receipt to the payer and update its website indicating that the cost-recovery amount for the satellite network has been paid. If payment is not received within four months from the date of the transmitted invoice, the Bureau shall send a reminder to the notifying administration or operating entity. The reminder shall include notice that non-receipt of payment within six months from the date of the original invoice will result in the relevant publication no longer being taken into account and the Special Sections being suppressed.

ADD USA/12/150

S9.69 If the Bureau has no record of receipt of payment within the six-month time period specified in No. **S9.68**, the Bureau shall consult with the notifying administration or operating entity to determine whether payment has been made. The notifying administration or operating entity, as appropriate, shall have 30 days to prove to the Bureau that payment has been made so as to be received by the Bureau within the six-month time period specified in No. **S9.68**.

ADD USA/12/151

S9.70 If the complete payment has not been received by the Bureau by the expiry date specified in No. **S9.68** and the provisions of No. **S9.69** have been satisfied, the published Special Sections for the advance publication, request for coordination, request for a modification to the Plans of Appendices **S30** and **S30A**, or request for the application of Section III of Article 6 of

Appendix **S30B**, as appropriate, shall be suppressed and no longer taken into account. The Bureau shall publish this information in the International Frequency Information Circular.

Reasons: To establish a regulatory basis for satellite cost recovery and to codify procedures for the collection of payments. With one free publication per administration per year provided in the schedule of Decision 482, there should be no cost-recovery financial barrier to any administration having access to spectrum and orbit resources.

ADD USA/12/152

DRAFT RESOLUTION CR-1 (WRC-2000)

Early implementation of cost-recovery provisions

The World Radiocommunication Conference (Istanbul, 2000),

considering

- a)* Resolution **39** of the Plenipotentiary Conference (Kyoto, 1994) on strengthening the financial base of ITU;
- b)* Resolution **88** of the Plenipotentiary Conference (Minneapolis, 1998) on implementation of cost recovery for satellite network filings;
- c)* Council Decision 482 on implementation of cost recovery for satellite network filings;
- d)* that this Conference adopted procedures for collection of charges pursuant to the above Resolutions and Decision,

recognizing

the need for immediate application of these new provisions,

resolves

that the Radiocommunication Bureau shall begin applying the cost-recovery procedures of new Section III of Article **S9** from 3 June 2000.
